761551N25A - SH-AD-32A (2/72) -

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE January 21, 2011

OFFICE CORRESPONDENCE FILE NO. IV 2279529

FROM: ROBERT M. RIFKIN, CAPTAIN
OPERATION SAFE STREETS BUREAU

TO: RICK M. CARDOZA, DEPUTY
OPERATIONS SAFE STREETS BUREAU

SUBJECT: **WRITTEN REPRIMAND**

On or about July 25, 2009, while initiating a foot pursuit, you failed to adequately broadcast required information to SCC within the first few seconds of the pursuit.

Your actions violated the following sections of the Manual of Policy and Procedures:

3-01/030.10 Obedience to Laws, Regulations, and Orders
5-09/220.50 Foot Pursuits

You are hereby reprimanded for your conduct in this incident and advised that any future violations of a similar nature may result in more severe discipline.

Robert M. Rifkin, Captain
Operation Safe Streets Bureau

Rick M. Cardoza, #[redacted]
Operation Safe Streets Bureau

761551N25A - SH-AD-32A (2/72) -

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE January 21, 2011

OFFICE CORRESPONDENCE

FILE NO. IV 2279529

FROM: ROBERT M. RIFKIN, CAPTAIN
OPERATION SAFE STREETS BUREAU

TO: FRANK ALVARADO, DEPUTY
OPERATIONS SAFE STREETS BUREAU

SUBJECT: **WRITTEN REPRIMAND**

On or about July 25, 2009, while initiating a foot pursuit, you failed to adequately broadcast required information to SCC within the first few seconds of the pursuit.

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Robert M. Rifkin, Captain
Operation Safe Streets Bureau

Frank Alvarado, #[redacted]
Operation Safe Streets Bureau

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: January 10, 2011

OFFICE CORRESPONDENCE FILE NO. SH2247465

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: JOSEPH M. GOODEN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY FRANK ALVARADO #[redacted]
DEPUTY RICK CARDOZA #[redacted]
OPERATION SAFE STREETS BUREAU

As Deputies Frank Alvarado and Rick Cardoza exited the 91 Freeway at Long Beach Boulevard, they saw a male Black adult, later identified as Suspect Bolling, standing on the east sidewalk of Long Beach Boulevard. The suspect looked in the deputies directions and appeared startled and surprised. He quickly turned and began walking in a northeast direction in the parking lot of a small strip mall. When the deputies attempted to contact Suspect Bolling, he turned and began running westbound across the lanes of traffic on Long Beach Boulevard.

Deputies Alvarado and Cardoza initiated a foot pursuit. The suspect continued to run and ignore the deputies commands to stop. The suspect was running with hands tucked in his waistband area and entered the on ramp of the westbound 91 Freeway. The suspect ran up the south side of the on ramp embankment. The deputies followed and ordered him to stop. The suspect turned toward them and was holding a gun in his right hand. Deputy Alavrado fearing the suspect was preparing to shoot Deputy Cardoza, fired his duty weapon four to five times at the suspect. The suspect turned and continued to head up the embankment. The suspect turned once again toward the deputies holding the gun. Deputy Cardoza fearing for his life fired his duty weapon four to six times at the suspect. Deputy Alvarado fearing for his life, fired four additional gunshots at the suspect. The suspect tossed his gun and fell to the ground. The suspect crawled down the embankment.

The deputies gave the suspect verbal commands to show his hands. Deputy Cardoza continued to give the suspect verbal commands to place his hands behind his back. The suspect pushed Deputy Cardoza's hand and leg away. Deputy Cadoza struck the suspect's head area twice with his right knee.

The suspect gave up his hand and he was handcuffed with the assistance of two Long Beach Police officers. The officers and deputies requested fire to respond to the scene. The deputies and officers searched the area and found the suspect's gun on the embankment area.

Suspect Bolling suffered several gunshot wounds. Two gunshot wounds to his right thigh, one to the right side of his buttocks, and one in the center of his back.

On December 9, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Frank Alvarado #[redacted] and Rick Cardoza #[redacted] was reasonable and necessary and in compliance with Department policy.

Eric B. Smith, Commander

EBS:RSP/rsp

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: January 10, 2011
FILE NO. SH2247465 / IV2279529

FROM: ERIC B SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: JOSEPH M. GOODEN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS
USE OF FORCE

The purpose of this memo is to notify you of the Review Committee's findings and recommendations concerning the use of force incident which occurred on July 25, 2009.

The Committee met on December 9, 2010, and consisted of me, Commander Daryl Evans, Technical Services Division, and Commander Stephen B. Johnson, Custody Division.

The Committee deemed:

- as **Founded**, the allegation that Deputy Rick Cardoza #[redacted] violated the Department's Manual of Policy and Procedures, Section(s) 3-01/030.10 (Obedience to Laws, Regulations, and Orders) Re: Manual of Policy and Procedures, Section(s) 5-09/220.50, Revision Date: October 5, 2004, (Foot Pursuits), on or about July 25, 2009, while initiating a foot pursuit, you failed to adequately broadcast required information to SCC within the first few seconds of the pursuit.

The Committee recommended that Deputy Rick Cardoza #[redacted] receive **a Written Reprimand.**

JMG:RSP/rsp

761551N25A - SH - AD - 32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: January 10, 2011

FILE NO. SH2247465 / IV2279529

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LEADERSHIP AND TRAINING DIVISION

TO: JOSEPH M. GOODEN, CAPTAIN
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The Committee recommended that Deputy Frank Alvarado #[redacted] receive **a Written Reprimand**.

JMG:RSP/rsp

TABLE OF CONTENTS
2247465

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.? ☐	Hit? ☒
11-18-10	Operation Safe Streets		

Incident Information

URN: 009-12258-2899-055	Date: 07-25-09	Time: 2001 hours

City or Station: Long Beach

Location: [redacted] North Long Beach Blvd. Long Beach, CA 90805

Nature of Incident: Deputies attempted to speak to a suspect who ran from them. Deputies initiated a foot pursuit. Suspect ran up a fwy. embankment, turned toward deputies with handgun. Deputies, fearing for their lives, fired their duty weapons, striking the suspect several times. Suspect was handcuffed. Suspect's handgun was recovered at the scene.

Location Type (*circle one or more*):
Backyard
Beach
Business
Freeway
Industrial
Park
Parking Lot
Residence
Rural
School
Street
Other: ______

Lighting (*circle only one*):
Darkness
Daylight
Other
Street Lights

Weather (*circle only one*):
Clear
Cloudy
Fog
Rain

Distance:

Incident Type (*circle one or more*):
Accidental
Armed Person
Fleeing Suspect
Foot Pursuit
Gun Take Away
Moving Vehicle
Sniper/Ambush
Startle
Struggle Involved
Traffic Stop
Unarmed Person
Unintentional
Vehicle Pursuit
Warrant Service
Warning Shot
Other: ______

Initiated by (*circle only one*):
Arrest Warrant
Call
Observation
One Person Unit
Other
Search Warrant
Two Person Unit

Prior Activity (*circle only one*):
Detective
Inmate Transport
Other
Routine Patrol

Total # of Shots Fired by Deputy: 15

Total # of Shots Fired by Suspect: 0

Aero Unit? ☒ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.			
[redacted]	[redacted]				
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph:	
[redacted]	[redacted]				
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph:	
[redacted]	[redacted]				
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph:	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):
[redacted]	Salinas	Alejandro		**On Duty**; Present during shooting; Witness to shooting; Involved in shooting
				On Duty; Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Miranda	Crystal	M.

PSTD Use Only

SH # 2247465

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

URN: 009-12258-2899-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
07-25-09	2230	11-22-10	

Employee #	Last Name	First Name	M.I
[redacted]	Rios	Jimmy	J
[redacted]	Ramirez	Jack	H.
[redacted]	Brickert	Scott	J.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#2	FH	SW	40			NN	
E#1	S#1	FH	BR	9	Y	Y	GS	AD
S#1	E#1	FH	SW	40			NN	
E#2	S#1	FH	BR	9	Y	Y	GS	LE

See Front Side



Officer Involved Shooting Involved Employee Information

URN: 009-12258-2899-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Alvarado	First Name: Frank	M.I.
Sex: M Race: H	Rank: Deputy	Unit Assignment: Operation Safe Streets	Work Assignment (Unit #, Module, etc.): OSS G-32
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8 hrs	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 6-03	Weight: 210	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] / Directed Force: [redacted]
Weapons Fired Brand: Beretta 92F	Caliber: 9mm	# Shots: 8	Weapons Fired Brand: / Caliber: / # Shots:
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I. [redacted]
Sex: M Race: H	Rank: Deputy	Unit Assignment: Operation Safe Streets	Work Assignment (Unit #, Module, etc.): OSS G-32
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8.5 to 9 hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 6'-02"	Weight: 200 lbs.	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] / Directed Force: [redacted]
Weapons Fired Brand: Beretta 92F	Caliber: 9mm	# Shots: 7	Weapons Fired Brand: / Caliber: / # Shots:
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I. [redacted]

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings: / Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: / Caliber / # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 009-12258-2899-055

Suspect Information

S 1

Last Name: Bolling	First Name: Rashad	M.I.: K.
AKA Last Name: Boling	First Name: Rashad	M.I.:

Sex: M Race: B	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 29 D.O.B. 03-17-80	Height: 5-11 Weight: 217	FBI #: [redacted]	CII #: [redacted]
Booking #: 1996881	Primary Charge: 245(d)(1) PC	Secondary Charge: 12021 (A)(1) PC	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]

INVESTIGATIVE SUMMARY

DEPUTY INVOLVED SHOOTING

OPERATION SAFE STREETS - GANG ENFORCEMENT TEAM

IAB FILE NUMBER: SH 2247465

URN: 009-12258-2899-055

OPENING STATEMENT:

On Saturday, July 25, 2009, Internal Affairs Bureau (IAB) Lieutenant Scott Brickert was notified by Operation Safe Streets (OSS) Bureau that a deputy involved shooting had occurred in the Long Beach Area, near the Compton Station area. Lieutenant Scott Brickert responded to the incident and verified the watch commander, Lieutenant Crystal Miranda, took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and the involved and witness personnel did not collectively consult with their attorney or representative. In addition, Lieutenant Brickert checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor, until they provided a statement to the assigned investigators. Detectives Linda Muse and Traci Gonzales, and Sergeants Ken Clark and Edward Godfrey from Homicide Bureau were on scene to conduct the criminal investigation.

The summary of this incident is based on physical evidence collected at the scene by Los Angeles Sheriff's Department Crime Lab personnel, as well as the information obtained from interviews of the involved employees and witnesses, whose individual statements are contained in the Homicide Bureau case package **(Refer to Exhibit A).**

The following is a synopsis of the incident:

On Saturday, July 25, 2009, at approximately 2002 hours, Gang Enforcement Team Deputies Frank Alvarado and Rick Cardoza exited the 91 Freeway at Long Beach Boulevard. The deputies had a [redacted] officer, Spokane County Detective [redacted] who was sitting in the rear seat of the patrol car. They stopped to check on the status of a Long Beach Police unit that had initiated a traffic stop on Long Beach Boulevard. After checking on the Long Beach officers, they traveled north on Long Beach Boulevard in their marked Sheriff's patrol vehicle. They saw a male Black adult, later identified as Suspect Rashad Bolling, standing on the east sidewalk of Long Beach Boulevard.

The suspect was looking in a southbound direction toward the direction of the Long Beach Police Officer's traffic stop. The suspect looked in the deputies' direction and appeared startled and surprised. He quickly turned and began walking in a northeast direction in the parking lot of a small strip mall.

The deputies pulled into the driveway and called out to the suspect. The suspect quickly turned and began running west across the lanes of traffic on Long Beach Boulevard.

Deputies Alvarado and Cardoza initiated a foot pursuit of the suspect and gave him commands to stop. The suspect continued to run and ignored the deputies' commands. Deputy Alvarado saw the suspect was running with his hands tucked in his waistband area. The suspect ran south and turned west and entered the on-ramp of the west 91 Freeway. The suspect ran up the south side of the on-ramp embankment. The deputies followed and ordered him to stop. The suspect turned toward them and was holding a gun in his right hand. Deputy Alvarado fearing the suspect was preparing to shoot Deputy Cardoza fired his duty weapon four to five times at the suspect. The suspect turned and continued to head up the embankment.

The suspect turned once again toward the deputies holding the gun. Deputy Cardoza fearing for his life fired his duty weapon four to six times at the suspect. Deputy Alvarado fearing for his life, fired four additional gunshots at the suspect. The suspect tossed his gun and fell to the ground. The suspect then crawled down the embankment. The deputies gave the suspect verbal commands to show his hands, but he did not comply. Deputy Cardoza continued to give the suspect verbal commands to place his hands behind his back. The suspect pushed Deputy Cardoza's hand and leg away. Deputy Cardoza struck the suspect's head area twice with his right knee. The suspect gave up his hand and he was handcuffed with the assistance of Long Beach Police officers. The officers and deputies requested fire paramedics to respond to the scene. The deputies and officers searched the area and found the suspect's gun on the embankment area.

The investigation of this incident is based on information obtained from the Homicide investigation and the crime and supplemental reports and interviews of the involved employees and witnesses.

The Homicide Investigation Book is listed as **Exhibit A,** the photo disc depicting the location is **Exhibit B,** the Letter of Opinion form the District Attorney is listed as **Exhibit C,** and the interviews conducted by Homicide investigators is listed as **Exhibit E.**

INVOLVED PERSONNEL:

Frank Alvarado, Deputy, #[redacted]
Operations Safe Streets
Gang Enforcement Team

EMPLOYEE'S WORK HISTORY:

Date of Employment:	April 10, 1996
Date Assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incidents:	
Prior Founded Force Incidents:	

Rick Cardoza, Deputy, #[redacted]
Operations Safe Streets
Gang Enforcement Team

EMPLOYEE'S WORK HISTORY:

Date of Employment:	January 7, 1998
Date Assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incidents:	
Prior Founded Force Incidents:	

SUSPECT:

Rashad Kiwaun Bolling, MB/29, DOB 03-17-80, 5-11", 215 lbs., black/brown
[redacted]
Booking #1996881
CII#[redacted]
Main#[redacted]
FBI#[redacted]

[redacted] **Exhibit D is Rashad Bolling's criminal record.**

DEPARTMENT WITNESSES:

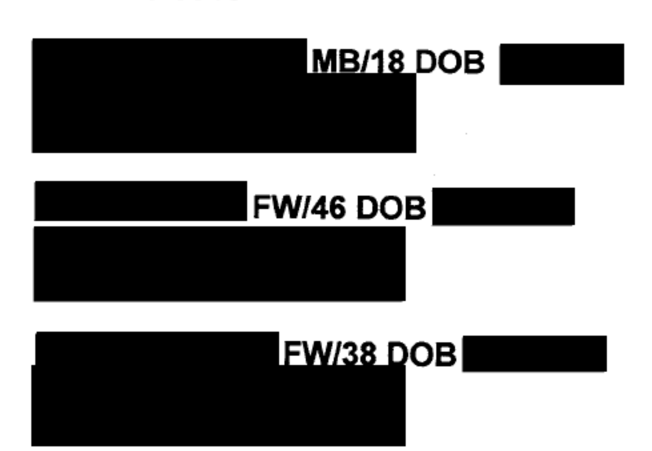
None

NON-DEPARTMENT WITNESSES:

Officer [redacted] #[redacted]
Long Beach Police Department
400 W. Broadway St.
Long Beach, CA 90805
562-570-9800

Officer [redacted] #[redacted]
Long Beach Police Department
400 W. Broadway St.
Long Beach, CA 90805
562-570-9800

Deputy [redacted] #[redacted]
Spokane County Sheriff's Department
Spokane, Washington
323-418-0510



[redacted] MB/18 DOB [redacted]
[redacted]

[redacted] FW/46 DOB [redacted]
[redacted]

[redacted] FW/38 DOB [redacted]
[redacted]

DEPUTY INJURIES:

None.

SUSPECT INJURIES:

Suspect Bolling suffered several gunshot wounds. Two gunshot wounds to his right thigh, one to the right side of his buttocks, and one in the center of his back.

PHYSICAL EVIDENCE:

Scientific Services Bureau and Traffic Services Detail investigators photographed and measured distances and provided sketches of the scene. Scientific Services also recovered physical evidence (Firearm, casings, bullets) see Exhibit A, B & G for further details.

INVESTIGATOR'S OBSERVATIONS:

IAB Sergeants Jimmy Rios and Jack Ramirez and IAB Lieutenant Scott Brickert observed the scene after the de-briefing with the Homicide investigators.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Frank Alvarado
Service Weapon- Beretta, 92F (Serial Number BER[redacted]Z, Semi-Automatic Pistol, 9mm Luger).
Type Of Ammunition- Winchester Ranger "T" 9mm Luger ammunition.

Deputy Rick Cardoza
Service Weapon- Beretta, 92F (Serial Number BER[redacted]Z, Semi-Automatic Pistol, 9mm Luger).
Type Of Ammunition- Winchester Ranger "T" 9mm Luger ammunition.

WEAPON USED BY SUSPECT:

Suspect Bolling's weapon was a Smith & Wesson, Sigma, .40 caliber pistol, Model SW40F, Serial # [redacted] loaded with a nine .40 caliber cartridges. **Exhibit A -** Homicide Book pages 111-114. One live 40 caliber cartridge, "Winchester 40 S&W" was recovered from the south embankment of the on-ramp incline, Exhibit A- Homicide Book pages 111-114.

PROPERTY DAMAGE:

None.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Homicide Detectives Gonzales and Muse filed attempt murder charges on Suspect Rashad Bolling. The criminal case has not been adjudicated as of the date of this review.

WEATHER AND LIGHTING CONDITIONS:

The weather was warm and the lighting condition was daylight during the early evening hours, nearing sunset.

INVOLVED DEPUTY STATEMENTS:

Frank Alvarado, Deputy, #[redacted] was interviewed on July 26, 2009, at 0012 hours by Homicide Detectives Traci Gonzales and Linda Muse and by Sergeants Jimmy Rios and Jack Ramirez from Internal Affairs Bureau on November 10, 2009, at 1405 hours. Both interviews were incorporated in the following summary.

Deputy Alvarado was working on July 25, 2009, at approximately 2000 hours, with his partner, Deputy Rick Cardoza. He and his partner are assigned to Operation Safe Streets, Gang Enforcement Team. They started their shift at 1700 hours. He was driving their marked Sheriff's patrol car, while Deputy Cardoza was the front passenger. They also had a [redacted] deputy from Spokane, Washington. He recalled his name to be [redacted] (Witness [redacted]. [redacted] was seated behind his partner in the right rear seat of the patrol car.

Deputy Alvarado stated they were exiting the east 91 freeway at Long Beach Boulevard, when they turned north onto Long Beach Boulevard, and saw a Long Beach Police unit on a traffic stop. They briefly stopped to ask if they were okay, and they indicated they were fine. They proceeded to travel north, when they saw a male Black adult (later identified as the suspect) standing on the east sidewalk in front of a strip mall. The suspect appeared to be focused on the traffic stop being conducted by the Long Beach Police unit. He looked in their direction and his eyes widened and his jaw dropped. He thought the suspect was possibly associated with the vehicle Long Beach Police had stopped.

Deputy Alvarado saw the suspect quickly turn his back toward them and walked east through the parking lot at a rapid pace. He noticed he was walking with his hands in his front waistband area. Based on his training and experience, he believed the suspect was attempting to conceal either contraband or a weapon in his waistband area. They pulled into the driveway to contact him and he called out to the suspect that he wanted to talk with him. The suspect didn't say a word and immediately ran west across Long Beach Boulevard. He placed his car in park and immediately initiated a foot pursuit.

Deputy Alvarado saw Deputy Cardoza in his peripheral vision while involved in the foot pursuit. He stated he was able to key his microphone and request, "10-33 [emergency clearance] traffic and the patch through SCC (Sheriff Communications Center).

IAB NOTE: **Exhibit F** is the audio disc recording when Deputy Alvarado made his initial request for emergency clearance. His request occurred at approximately 8:01:14 p.m. He advised SCC regarding the deputy involved shooting at 8:01:31 p.m., 17 seconds later.

Due to the fact he was running with his gun in his right hand and his flashlight in his left hand, it was difficult for him to say anything else on the radio. He did not hear SCC reply back to him, and he did not hear his partner on the radio. He and his partner had pre-planned for these type of situations and he was the designated radio person in this situation. For officer safety reasons, he did not re-holster his gun to get to his radio, fearing the suspect may be armed. He stated it was also difficult for him grasp his radio with his left hand while holding his flashlight.

Deputy Alvarado provided a rough estimate of the distance he ran during the foot pursuit to be between 40 to 50 yards. He could see his partner within his peripheral vision to his left during the foot pursuit.

IAB NOTE: **Exhibit G** is a memorandum from Traffic Services Investigator Russell Townsley regarding the measurements from the deputies parked patrol car to the 91 Freeway on-ramp and the area where the expended casings were located.

Deputy Alvarado saw the suspect was slightly hunched over and was grasping his front waistband, as he ran. He and his partner gave the suspect constant verbal commands to stop and to show his hands, but he did not comply. He saw vehicles that were traveling north and south along Long Beach Boulevard had to abruptly brake to avoid hitting the suspect. They followed the suspect onto the west 91 freeway on-ramp at Long Beach Boulevard. He saw the suspect was now running with a gun in his right hand. The suspect ran un up the embankment, when he reached the halfway point of the south embankment, he quickly turned his shoulders toward them. He saw the suspect was holding a big black handgun in his right hand. He described the gun to be a "hand cannon." The suspect turned and appeared to point his gun directly at Deputy Cardoza, who was in front of him, offset, and not in the his (Alvarado's) line of firing. Fearing for the safety of his partner, he fired approximately four to five rounds at the suspect.

Deputy Alvarado heard other gunfire, turned and looked at his partner and saw he also had his firearm out, but he was unsure if he had fired. He didn't know if the suspect had fired on them. He estimated the distance of the suspect was approximately 10 yards to 15 yards from them. After he fired his pistol, remembering his training, he surveyed for a quick second and saw the suspect's shirt was bloody, so he thought he had hit him. The suspect turned and continued to climb the embankment.

He took three more steps up the embankment, and turned and now was holding the gun with his left hand in a shoulder level position with his arm extended with the gun at pointing at him, and parallel to the ground. Fearing for his safety, he fired approximately four more rounds at the suspect. He remembered his backdrop was the embankment. He described the freeway traffic was not visible at that point. Due to the fact they were on the freeway on-ramp, he did not have cover or concealment during the shooting.

After Deputy Alvarado fired his second volley of shots, he did not remember if the suspect was falling, but saw the suspect discarded the gun with his left hand. He didn't see where the gun landed. He and Deputy Cardoza gave the suspect verbal commands to crawl down the embankment. They continued to tell the suspect to show his hands, because he was low crawling with his hands tucked under his body. They gave several commands to see his hands, but he did not comply. The suspect replied, "I didn't have anything." He saw Deputy Cardoza approach the suspect and kneed him twice with his right knee in the upper torso in order to gain his compliance to show his hands. The suspect gave up his hands, and Deputy Cardoza placed one handcuff on him as a Long Beach Police officers ran up to assist with handcuffing of the suspect.

Deputy Alvarado covered Deputy Cardoza and the Long Beach officers as they handcuffed the suspect. He initiated emergent radio traffic regarding the shooting, and found the Sheriff's Communications Center (SCC) still had him on the patch from his earlier request.

After the suspect was handcuffed, he and one of the Long Beach officers, searched for the suspect's gun. The Long Beach officer, he didn't recall his name, found the gun and pointed out the gun to him. He directed the officer to stand over the gun, until he was relieved by GET Deputy [redacted]

The Fire Department responded along with other personnel to the scene. OSS/GET Sergeant Alejandro Salinas arrived and asked him if he was okay and he provided him with a brief statement about the shooting. OSS/GET Sergeant Martin Rojas transported Deputy Alvarado to Compton Station.

Deputy Alvarado was not injured during the incident.

IAB NOTE: Refer to Deputy Alvarado's transcribed Homicide interview is listed under Job #28282, and the IAB transcribed interview is listed under Job #30508.

Rick Cardoza, Deputy, #[redacted] was interviewed on July 26, 2009, at 0056 hours by Homicide Detectives Linda Muse and Traci Gonzales at Compton Sheriff's Station. He was also interviewed by IAB Sergeants Jimmy Rios and Scott Hill on November 10, 2010, 1450 hours. The IAB interview took place at Internal Affairs Bureau in Interview Room "B." The interviews were digitally recorded. The following is a summary of the interviews.

Deputy Cardoza stated on July 25, 2009, at approximately 2000 hours, he was assigned to Operation Safe Streets, Gang Enforcement Team. He was working with his partner, Frank Alvarado, who was driving their marked Sheriff's patrol car. They also had an observer from Spokane, Washington, a deputy by the name of [redacted] (Witness [redacted]).

Deputy Cardoza stated they had just finished eating dinner and were traveling east on the 91 Freeway, when they got off onto Long Beach Boulevard. They headed north on Long Beach Boulevard, when they saw a Long Beach police unit conducting a traffic stop. They pulled over to see if they needed any additional help. They told them they didn't need their assistance, so they continued north for approximately 20 yards.

Deputy Cardoza saw a male Black adult (later identified as the suspect) standing on the sidewalk with his eyes drawn to the traffic stop and he appeared to be looking very intently at the officers. The suspect made eye contact with them and appeared to be startled. Deputy Alvarado drove the patrol car into the driveway to contact the suspect. As they drove closer to the suspect, he yelled out to him, "Hey, come here, we want to talk to you for a second. What's your name?"

Deputy Cardoza saw the suspect turn and he immediately ran past the driver's side of the vehicle, while grabbing his waistband and leaning forward in a hunching motion. He saw the suspect was holding onto something at his stomach or waistband area. He exited his vehicle and started to run west after him. The suspect ran through traffic lanes, causing cars to slam on their brakes to avoid striking him.

Deputy Cardoza thought the suspect was going to "carjack somebody," due to the manner he was running into traffic. He ran after the suspect on the east sidewalk of Long Beach Boulevard. As he was running, he saw his partner running at an angle behind him, and he never lost sight of him. The suspect ran diagonally toward the 91 Freeway on-ramp. He could see the suspect holding a black L-shaped object in his right hand as he was running, which he believed to be a gun. He heard his partner giving verbal commands to the suspect to "drop the gun," but the suspect did not comply.

Deputy Cardoza did not make radio communications regarding the foot pursuit, due to the fact he was running with his gun in his right hand, his flashlight was in his left hand. He didn't feel he could put his gun or flashlight away for officer safety reasons. He described the lighting conditions as still being light out, due to summer time conditions. He estimated the distance between him and his partner during the foot pursuit was 10 to 15 feet.

Deputy Cardoza waited for the traffic to clear to safely run across Long Beach Boulevard. As he neared his partner, he realized he and his partner were getting too close to each other. For officer safety reasons, he distanced himself from his partner, because he didn't want to be next to each other in the event the suspect began to shoot at them.

As he and his partner ran up the on-ramp, they continued to shout at the suspect, "Drop the gun. Give up, and throw your hands up." The suspect continued to run up the on-ramp about 25 to 30 yards and it appeared he was getting tired, and he turned toward the embankment where brush was located. As they got closer to the suspect, he turned and looked in their direction and he started to run up the hill. The suspect stopped approximately seven to ten feet up the embankment. He (Cardoza) was now in front of Deputy Alvarado. The suspect turned his body sideways and pointed his gun at him and his partner. Fearing the suspect was going to shoot him, he sidestepped to get out of the direct line of fire. He shouted, "He's got a gun! A gun!" He saw Deputy Alvarado moving, but didn't know exactly where he was. As he aimed his gun at the suspect, he heard one shot go off. He thought the suspect had shot at him.

Deputy Cardoza fearing he was going to get shot, fired approximately four to six rounds at the suspect. He estimated his distance from the suspect was 10 to 15 feet. He described his backdrop to be the dirt hill of the embankment. He did not have any cover or concealment, due to being on the freeway on-ramp. As the suspect was falling down, he saw the suspect toss the gun with his right arm. The gun went flying, but he didn't see where it landed.

Deputy Cardoza and his partner were telling the suspect to show his hands. The suspect told them as he was lying on the ground, "Man, I ain't got nothing. Why did you shoot me?" Deputy Alvarado told the suspect he had a gun and asked where the gun was located. The suspect shouted, " Man, I ain't got nothing." As the suspect was crawling down, he ordered him several times to show his hands, but the suspect did not comply.

Deputy Cardoza could hear Deputy Alvarado putting out radio traffic. He was on the patch and he could hear SCC reply back regarding a deputy involved shooting.
He (Deputy Cardoza) approached the suspect to handcuff him, but the suspect pushed his hand and leg away with his hand. He gave him verbal commands to stop resisting and to give him his hands, but the suspect did not comply. He kneed him twice in the face or shoulder area with his right knee in order to gain his compliance to show his hands. He finally stopped resisting and he was able to handcuff his hand and was then was assisted by the Long Beach officers, in completing the handcuffing of the suspect.

After the suspect was handcuffed, he and the Long Beach officers searched the embankment area for the suspect's gun. The gun was found and he placed a field interview card to mark the area.

Deputy Cardoza was not injured during the incident.

IAB NOTE: Refer to Cardoza's transcribed Homicide interview under Job #28282, and the IAB recorded interview under Job #30509.

SUSPECT STATEMENT:

Rashad Bolling MB/29, was interviewed On July 26, 2009, at 1705 hours, at Long Beach Memorial Hospital, by Homicide Detectives Linda Muse and Traci Gonzales. The interview was digitally recorded. The following is a summary of the interview.

Suspect Bolling stated he went to catch the bus for downtown Long Beach, where he was going to meet his [redacted] at "Gameworks." While he was waiting for the bus at Long Beach Boulevard and Artesia Boulevard, the police arrived and he started to run. He ran because he had a Smith & Wesson .40 caliber in his waistband and he didn't want to get caught with the gun. He was also scared and didn't want to go back to jail. The deputies chased him and he tried running up toward the 91 Freeway, but it was steep. He thought he was near the bottom of the hill. The deputies were telling him to stop. The deputies shot at him, but they missed and he discarded the gun, because he didn't want to get caught with the gun. He described his tossing motion when throwing the gun similar to a "frisbee" toss. He stated he tossed the gun directly in front of where he was running in an attempt to prevent the deputies from seeing him toss the gun and to keep them from finding the gun. He attempted to throw the gun, so they wouldn't see him throwing it, over the freeway. The deputies then shot at him again several times and this time he was struck several times.

Suspect Bolling said he was shot in the back, he turned and told them to stop, because he didn't have anything. He admitted to having thrown the gun by this time. The deputies kept shooting at him. He was facing them and telling them, " I don't have anything. Stop shooting."

Suspect Bolling denied ever pointing the gun at the deputies, because he didn't want to get shot. He knew if he pointed a gun at a deputy he would get shot.

Suspect Bolling admitted to loading the gun earlier in the day. He was positive the magazine was loaded with 10 rounds with one in the chamber, for a total of 11 rounds. He denied shooting at the deputies, but admitted the gun may have accidentally gone off when it hit the ground, after he threw the gun. He denied hearing his gun go off, but he did hear the deputies shooting at him. He admitted to being pretty familiar with the gun, having the knowledge on how to use it, and admitted to firing the gun once since he acquired the gun a couple of months back.

Suspect Bolling stated he had been shot in his wrist on July 19, 2009 by Mexican gang members on South Street and Downey Avenue in the City of Long Beach. Long Beach Police took a report regarding the previous shooting incident. He was scheduled to have surgery on his wrist to remove the bullet on July 31.

IAB NOTE: Suspect Bolling's' transcribed interview is attached. The recorded interview is listed under Job #28286.

NON-DEPARTMENT WITNESS STATEMENTS:

[redacted] **Long Beach Police Officer, #**[redacted] was interviewed by Homicide Detectives Traci Gonzales and Linda Muse on July 25, 2009, at 2225 hours at Compton Sheriff's Station. The interview was digitally recorded. The following is a summary of the interview.

On July 25, 2009, at approximately 2030 hours, Officer [redacted] and his partner, Officer [redacted] had conducted a traffic stop on Long Beach Boulevard facing north underneath the 91 freeway. A Sheriffs patrol car traveling north on Long Beach Boulevard, stopped to ascertain if they needed any help. He told them they were okay, and they continued north in their patrol car.

Within 30 seconds to a minute, they saw deputies involved in a foot pursuit. The foot pursuit had begun from the east sidewalk of Long Beach Boulevard and they headed toward the west 91 freeway on-ramp.

Officer [redacted] gave the driver back his paperwork and told him to leave the scene. He and his partner ran to assist the deputies. He did not know if the vehicle they stopped remained in the area, but he did hear their car take off. He didn't know if they witnessed anything.

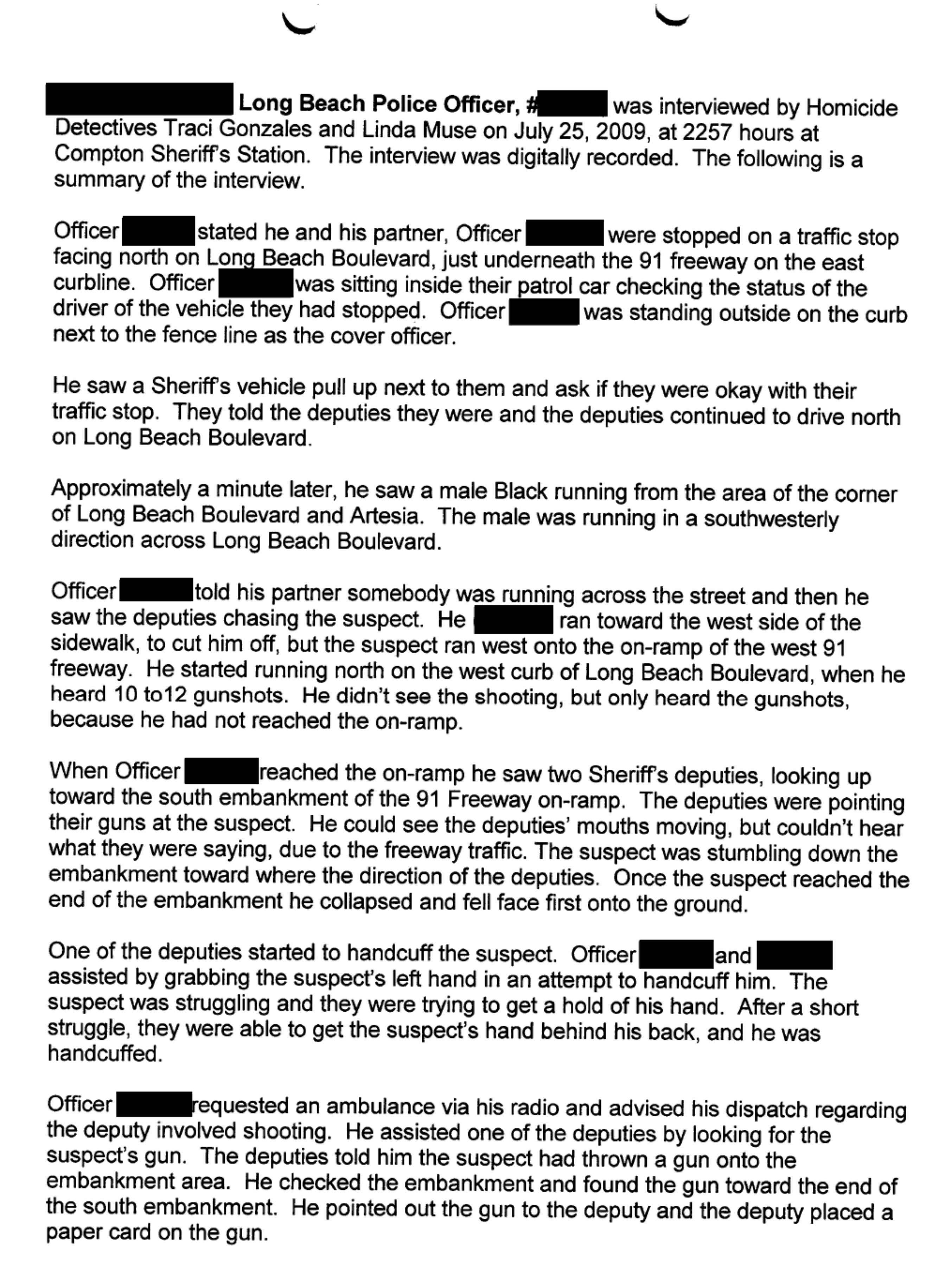
As Officer [redacted] got closer to the on-ramp, he heard gun shots before they reached the on-ramp. He heard five to six gunshots. The gunshots sounded like they came from two different guns. He didn't witness the shooting. He saw the deputies standing on the pavement toward the south side of the on-ramp. He saw the suspect was rolling down and was halfway down the hill. He heard the deputies tell the suspect to put the gun down.

Officer [redacted] ran up the on-ramp and saw the suspect rolling down the hill and he assisted by handcuffing the suspect. He didn't know if the suspect was armed, so he placed the suspect on to his side to conduct a pat down for weapons. The suspect complained to him he was dying and was "hurting all over." He replied by telling him to relax and reassured him paramedics were on their way.

His partner, Officer [redacted] and one of the deputies checked the hill area of the on-ramp and recovered the suspect's handgun. The on-ramp was closed and they assisted in setting up a perimeter.

Officer [redacted] saw the Fire Department arrive on scene and the suspect be placed on a gurney and then rolled down toward the paramedics. He remained at the location to assist with the securing the scene.

IAB NOTE: Officer's [redacted] transcribed interview is attached. The recorded interview is listed under Job #28285.



[redacted] **Long Beach Police Officer, #**[redacted] was interviewed by Homicide Detectives Traci Gonzales and Linda Muse on July 25, 2009, at 2257 hours at Compton Sheriff's Station. The interview was digitally recorded. The following is a summary of the interview.

Officer [redacted] stated he and his partner, Officer [redacted] were stopped on a traffic stop facing north on Long Beach Boulevard, just underneath the 91 freeway on the east curbline. Officer [redacted] was sitting inside their patrol car checking the status of the driver of the vehicle they had stopped. Officer [redacted] was standing outside on the curb next to the fence line as the cover officer.

He saw a Sheriff's vehicle pull up next to them and ask if they were okay with their traffic stop. They told the deputies they were and the deputies continued to drive north on Long Beach Boulevard.

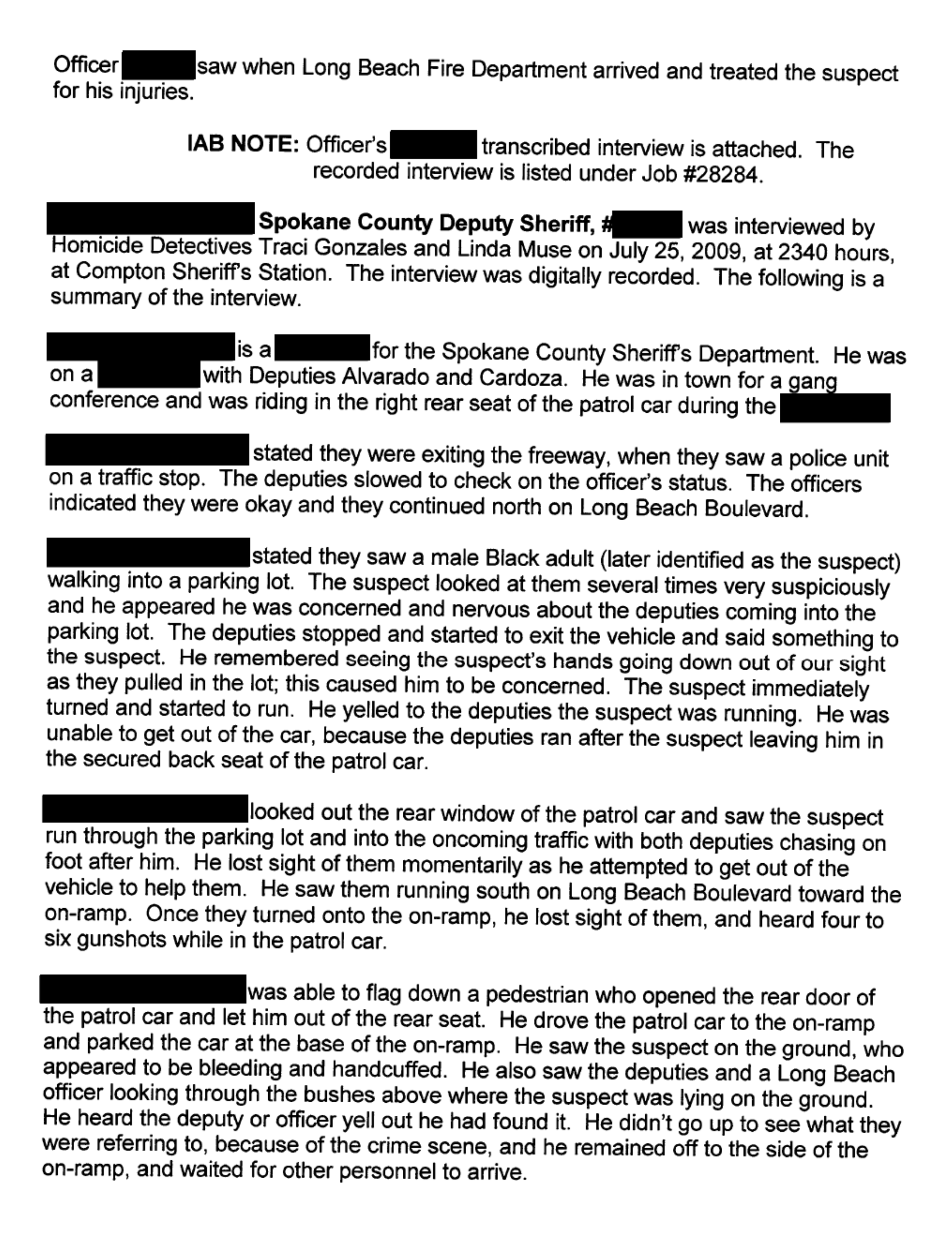
Approximately a minute later, he saw a male Black running from the area of the corner of Long Beach Boulevard and Artesia. The male was running in a southwesterly direction across Long Beach Boulevard.

Officer [redacted] told his partner somebody was running across the street and then he saw the deputies chasing the suspect. He [redacted] ran toward the west side of the sidewalk, to cut him off, but the suspect ran west onto the on-ramp of the west 91 freeway. He started running north on the west curb of Long Beach Boulevard, when he heard 10 to12 gunshots. He didn't see the shooting, but only heard the gunshots, because he had not reached the on-ramp.

When Officer [redacted] reached the on-ramp he saw two Sheriff's deputies, looking up toward the south embankment of the 91 Freeway on-ramp. The deputies were pointing their guns at the suspect. He could see the deputies' mouths moving, but couldn't hear what they were saying, due to the freeway traffic. The suspect was stumbling down the embankment toward where the direction of the deputies. Once the suspect reached the end of the embankment he collapsed and fell face first onto the ground.

One of the deputies started to handcuff the suspect. Officer [redacted] and [redacted] assisted by grabbing the suspect's left hand in an attempt to handcuff him. The suspect was struggling and they were trying to get a hold of his hand. After a short struggle, they were able to get the suspect's hand behind his back, and he was handcuffed.

Officer [redacted] requested an ambulance via his radio and advised his dispatch regarding the deputy involved shooting. He assisted one of the deputies by looking for the suspect's gun. The deputies told him the suspect had thrown a gun onto the embankment area. He checked the embankment and found the gun toward the end of the south embankment. He pointed out the gun to the deputy and the deputy placed a paper card on the gun.



Officer [redacted] saw when Long Beach Fire Department arrived and treated the suspect for his injuries.

IAB NOTE: Officer's [redacted] transcribed interview is attached. The recorded interview is listed under Job #28284.

[redacted] **Spokane County Deputy Sheriff, #**[redacted] was interviewed by Homicide Detectives Traci Gonzales and Linda Muse on July 25, 2009, at 2340 hours, at Compton Sheriff's Station. The interview was digitally recorded. The following is a summary of the interview.

[redacted] is a [redacted] for the Spokane County Sheriff's Department. He was on a [redacted] with Deputies Alvarado and Cardoza. He was in town for a gang conference and was riding in the right rear seat of the patrol car during the [redacted]

[redacted] stated they were exiting the freeway, when they saw a police unit on a traffic stop. The deputies slowed to check on the officer's status. The officers indicated they were okay and they continued north on Long Beach Boulevard.

[redacted] stated they saw a male Black adult (later identified as the suspect) walking into a parking lot. The suspect looked at them several times very suspiciously and he appeared he was concerned and nervous about the deputies coming into the parking lot. The deputies stopped and started to exit the vehicle and said something to the suspect. He remembered seeing the suspect's hands going down out of our sight as they pulled in the lot; this caused him to be concerned. The suspect immediately turned and started to run. He yelled to the deputies the suspect was running. He was unable to get out of the car, because the deputies ran after the suspect leaving him in the secured back seat of the patrol car.

[redacted] looked out the rear window of the patrol car and saw the suspect run through the parking lot and into the oncoming traffic with both deputies chasing on foot after him. He lost sight of them momentarily as he attempted to get out of the vehicle to help them. He saw them running south on Long Beach Boulevard toward the on-ramp. Once they turned onto the on-ramp, he lost sight of them, and heard four to six gunshots while in the patrol car.

[redacted] was able to flag down a pedestrian who opened the rear door of the patrol car and let him out of the rear seat. He drove the patrol car to the on-ramp and parked the car at the base of the on-ramp. He saw the suspect on the ground, who appeared to be bleeding and handcuffed. He also saw the deputies and a Long Beach officer looking through the bushes above where the suspect was lying on the ground. He heard the deputy or officer yell out he had found it. He didn't go up to see what they were referring to, because of the crime scene, and he remained off to the side of the on-ramp, and waited for other personnel to arrive.

[redacted] saw paramedics arrive on scene and they placed the suspect onto a gurney and wheeled him to the ambulance.

> **IAB NOTE:** Deputy [redacted] transcribed interview is attached. The recorded interview is listed under Job #28283.

CIVILIAN WITNESS STATEMENTS:

[redacted] **MB/ 18,** was interviewed by Homicide Detective Linda Muse on July 29, 2009, at 1549 hours. The interview was digitally recorded. The following is a summary of the interview.

Mr. [redacted] stated on July 25, 2009, at approximately 2035 hours, he was on his way to the T-Mobile Store, located at the Central and Rosecrans, with his friends when his friend was pulled over by the Long Beach Police. The police stopped them for their taillight, and they were stopped under the freeway, possibly the 91 Freeway.

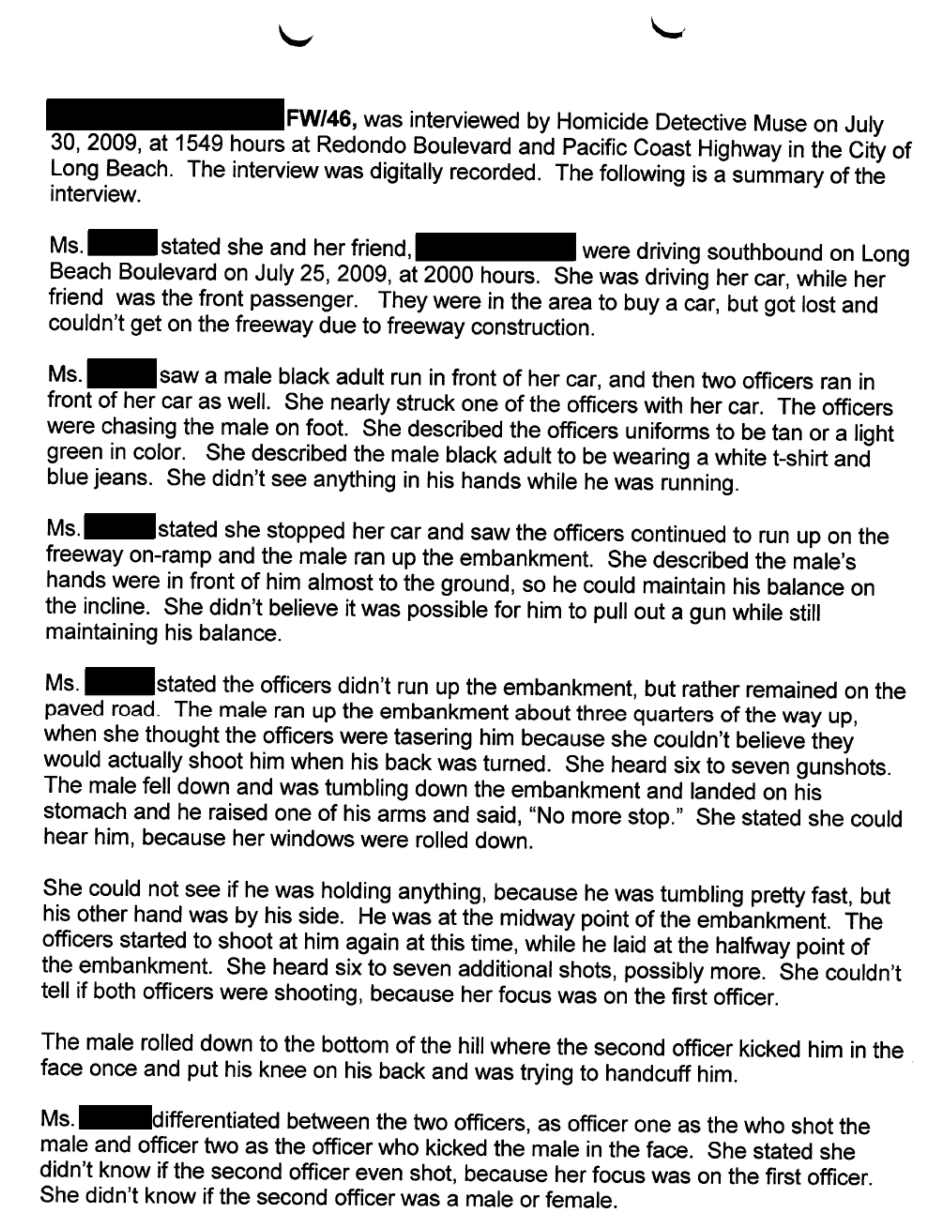
The officers were checking their names. From his position in the rear seat, he saw a Sheriff's car pull into a little plaza at Long Beach Boulevard and Artesia Boulevard. Within a 40 seconds, a Black male wearing black shorts and T-shirt is running with Sheriff deputies chasing him on foot, and they are heading toward the freeway on-ramp. He didn't see anything in the male's hands as he was running. The police officers didn't catch the male and he couldn't see what occurred, because they ran up the freeway on-ramp. Within five to ten seconds, he heard about four to five gunshots.

Mr. [redacted] said the Long Beach officers appeared to be shocked and gave his friend the car registration and paperwork and told them to get out of there. His friend started up his car, and he heard five additional gunshots, he estimated their a 20 second pause between the first set of gunshots. As they were passing the on-ramp, he saw the Black male on the ground with a hole in his shirt and sliding down the hill with one hand up and his other hand holding his side. The deputies still had their guns pointed at the male. He couldn't hear what they were saying, although the windows of the car were down. He didn't see when the male was being handcuffed.

Mr. [redacted] stated they continued northbound and he didn't see if he ended up on the paved roadway. They turned into the plaza parking lot and saw the police car with the officer still in the back seat watching. They did not let him out of the car. They left the area before they were stopped again. Mr. [redacted] stated he and his friends in the car did not know the male who was running from the Sheriffs deputies.

Mr. [redacted] stated at approximately 2300 hours, he told his [redacted] about what had occurred. One of his [redacted] friends called and she had talked to a friend, who was the [redacted] of the man who had been shot. He then spoke to her about what had occurred.

> **IAB NOTE:** Mr. [redacted] transcribed interview is attached. The recorded interview is listed under Job #30324.



[redacted] **FW/46,** was interviewed by Homicide Detective Muse on July 30, 2009, at 1549 hours at Redondo Boulevard and Pacific Coast Highway in the City of Long Beach. The interview was digitally recorded. The following is a summary of the interview.

Ms. [redacted] stated she and her friend, [redacted] were driving southbound on Long Beach Boulevard on July 25, 2009, at 2000 hours. She was driving her car, while her friend was the front passenger. They were in the area to buy a car, but got lost and couldn't get on the freeway due to freeway construction.

Ms. [redacted] saw a male black adult run in front of her car, and then two officers ran in front of her car as well. She nearly struck one of the officers with her car. The officers were chasing the male on foot. She described the officers uniforms to be tan or a light green in color. She described the male black adult to be wearing a white t-shirt and blue jeans. She didn't see anything in his hands while he was running.

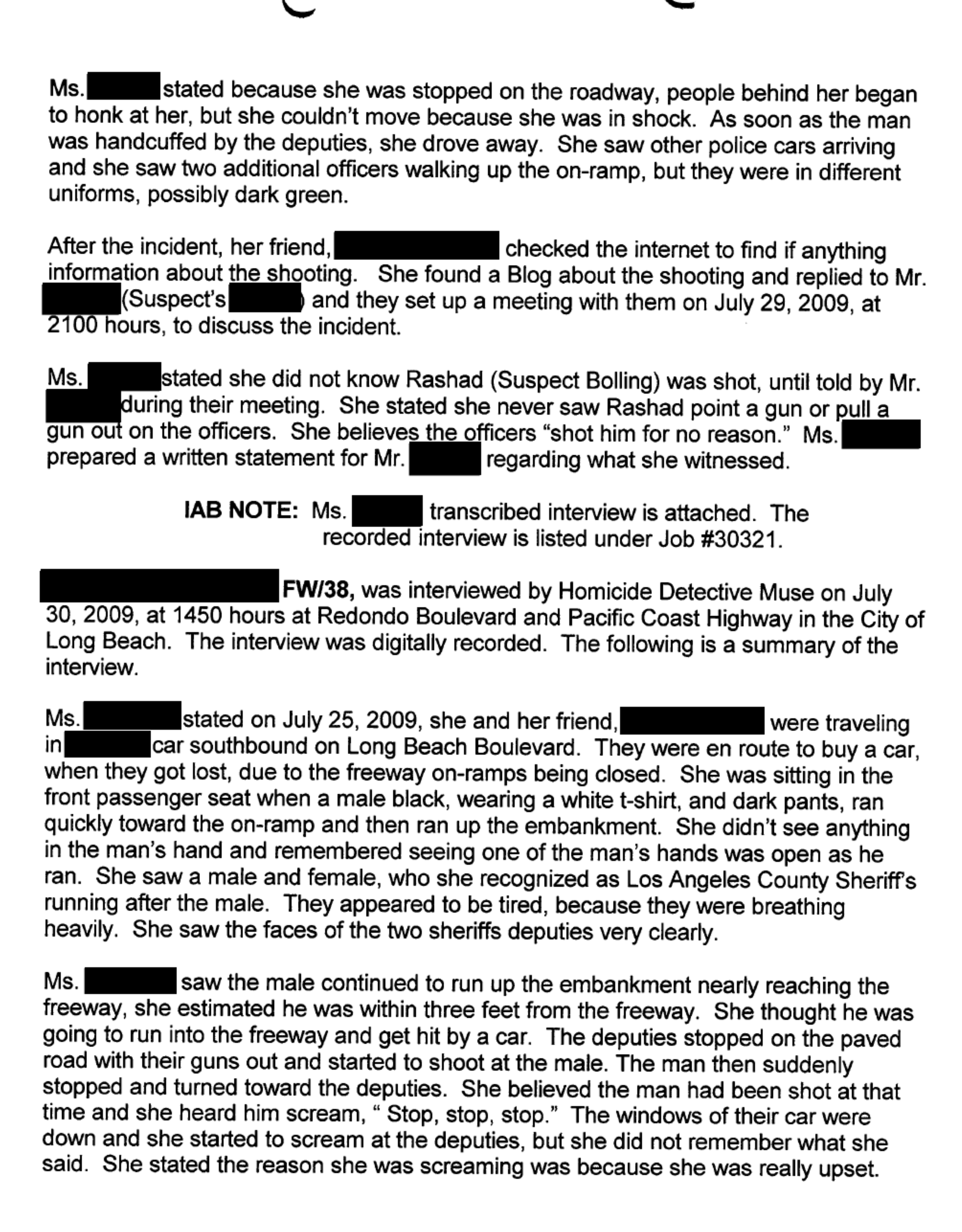
Ms. [redacted] stated she stopped her car and saw the officers continued to run up on the freeway on-ramp and the male ran up the embankment. She described the male's hands were in front of him almost to the ground, so he could maintain his balance on the incline. She didn't believe it was possible for him to pull out a gun while still maintaining his balance.

Ms. [redacted] stated the officers didn't run up the embankment, but rather remained on the paved road. The male ran up the embankment about three quarters of the way up, when she thought the officers were tasering him because she couldn't believe they would actually shoot him when his back was turned. She heard six to seven gunshots. The male fell down and was tumbling down the embankment and landed on his stomach and he raised one of his arms and said, "No more stop." She stated she could hear him, because her windows were rolled down.

She could not see if he was holding anything, because he was tumbling pretty fast, but his other hand was by his side. He was at the midway point of the embankment. The officers started to shoot at him again at this time, while he laid at the halfway point of the embankment. She heard six to seven additional shots, possibly more. She couldn't tell if both officers were shooting, because her focus was on the first officer.

The male rolled down to the bottom of the hill where the second officer kicked him in the face once and put his knee on his back and was trying to handcuff him.

Ms. [redacted] differentiated between the two officers, as officer one as the who shot the male and officer two as the officer who kicked the male in the face. She stated she didn't know if the second officer even shot, because her focus was on the first officer. She didn't know if the second officer was a male or female.



Ms. [redacted] stated because she was stopped on the roadway, people behind her began to honk at her, but she couldn't move because she was in shock. As soon as the man was handcuffed by the deputies, she drove away. She saw other police cars arriving and she saw two additional officers walking up the on-ramp, but they were in different uniforms, possibly dark green.

After the incident, her friend, [redacted] checked the internet to find if anything information about the shooting. She found a Blog about the shooting and replied to Mr. [redacted] (Suspect's [redacted]) and they set up a meeting with them on July 29, 2009, at 2100 hours, to discuss the incident.

Ms. [redacted] stated she did not know Rashad (Suspect Bolling) was shot, until told by Mr. [redacted] during their meeting. She stated she never saw Rashad point a gun or pull a gun out on the officers. She believes the officers "shot him for no reason." Ms. [redacted] prepared a written statement for Mr. [redacted] regarding what she witnessed.

> **IAB NOTE:** Ms. [redacted] transcribed interview is attached. The recorded interview is listed under Job #30321.

[redacted] **FW/38,** was interviewed by Homicide Detective Muse on July 30, 2009, at 1450 hours at Redondo Boulevard and Pacific Coast Highway in the City of Long Beach. The interview was digitally recorded. The following is a summary of the interview.

Ms. [redacted] stated on July 25, 2009, she and her friend, [redacted] were traveling in [redacted] car southbound on Long Beach Boulevard. They were en route to buy a car, when they got lost, due to the freeway on-ramps being closed. She was sitting in the front passenger seat when a male black, wearing a white t-shirt, and dark pants, ran quickly toward the on-ramp and then ran up the embankment. She didn't see anything in the man's hand and remembered seeing one of the man's hands was open as he ran. She saw a male and female, who she recognized as Los Angeles County Sheriff's running after the male. They appeared to be tired, because they were breathing heavily. She saw the faces of the two sheriffs deputies very clearly.

Ms. [redacted] saw the male continued to run up the embankment nearly reaching the freeway, she estimated he was within three feet from the freeway. She thought he was going to run into the freeway and get hit by a car. The deputies stopped on the paved road with their guns out and started to shoot at the male. The man then suddenly stopped and turned toward the deputies. She believed the man had been shot at that time and she heard him scream, " Stop, stop, stop." The windows of their car were down and she started to scream at the deputies, but she did not remember what she said. She stated the reason she was screaming was because she was really upset.

She estimated the distance between the deputies and the man was approximately 22 feet. She thought they were using a stun gun or taser, because he was at the top of the hill. She heard numerous shots fired, and saw the male raise his hands like he was surrendering. The male was screaming, and crying out in pain with his body jerking back and forth, and he fell to his knees and rolled down the embankment.
He continued to roll down, until a bush or something stopped him from rolling. It appeared to her the male was in a lot of pain. The male deputy walked over to the man and kicked him once in the face and stuck his knee into the middle of his back. She wasn't sure if the male or female deputy handcuffed the male, because the incident caused her to get nauseous.

Ms. [redacted] saw policemen arriving on scene and described their uniforms to be black. A vehicle behind their car started to honk at them telling them to go, and they finally left the scene. Approximately two miles down the road, she saw police cars, ambulances and fire trucks heading in the direction of the incident.

Ms. [redacted] stated from her perspective she did not feel she was in any danger, or the lives of the deputies were in any danger, because the man was so far away.

Later that night and the following day, Ms. [redacted] checked the Internet and searched for information about taser incidents in Long Beach on Saturday night and nothing came up. She found information about the deputy shooting and the information on the incident was so vague and false, it upset her. She stated she had never Blogged before and wrote a Blog. Mr. [redacted] replied and asked to speak to her about the incident. She ignored the request, but she told Ms. [redacted] and she immediately replied back on Sunday night or Monday morning. On Wednesday evening, Ms. [redacted] and Ms. [redacted] met with Mr. [redacted] and [redacted] (Suspect's [redacted] at the Applebees in Norwalk or Long Beach.

Ms. [redacted] denied knowing the [redacted] or Rashad Bolling prior to the incident.

IAB NOTE: Ms. [redacted] transcribed interview is attached. The recorded interview is listed under Job #30322-21.

<u>MISCELLANEOUS SECTION</u>:

None.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

March 2, 2010

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J. S. I. D. File No. 09-0473
L.A.S.D. File No. # 009-12258-2899-055

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 25, 2009, non-fatal shooting of Rashad Kiwaun Bolling by Los Angeles County Sheriff's Department (LASD) Deputies Frank Alvarado and Rick Cardoza. We have concluded that Deputies Alvarado and Cardoza acted lawfully in self-defense.

The following analysis is based upon investigative reports, property reports, analyzed evidence reports, and witness statements taken during the investigation by the Los Angeles County Sheriff's Department (LASD), and submitted to this office by Detectives Traci Gonzales and Linda Muse on January 28, 2010. The District Attorney Command Center was notified of the shooting at approximately 9:10 p.m. on July 25, 2009. The District Attorney Response Team, comprised of Deputy District Attorney Jason Lustig and District Attorney Senior Investigator [redacted] responded to the location. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered in our analysis.

FACTUAL ANALYSIS

On July 25, 2009, at about 8:00 p.m., LASD Deputies Frank Alvarado and Rick Cardoza were assigned to a gang enforcement unit. They were driving in a marked patrol vehicle and accompanied by an observer from the Spokane County (State of Washington) Sheriff's Department, Deputy [redacted] The deputies saw a male (later identified as Rashad

Kiwaun Bolling, born March 17, 1980) standing on the sidewalk of Long Beach Boulevard. Bolling was staring in the direction of a traffic stop being conducted by LBPD officers and appeared to be unusually interested in the police activity. As the deputies drove toward Bolling, he looked at them with a startled look on his face and began to walk away. When the deputies exited the patrol vehicle and asked Bolling to speak with them, he turned around and ran by them holding his waistband. The deputies ran after him across Long Beach Boulevard and up an on ramp to the 91 Freeway.[1]

About 80 yards up the freeway on ramp, Bolling ran up the dirt embankment, turned toward the deputies and pointed a handgun at them. Both deputies fired their service weapons at Bolling.[2] After Bolling was wounded, he threw his handgun further up the embankment. LBPD officers conducting a nearby traffic stop assisted the deputies in handcuffing Bolling and located Bolling's handgun on the embankment.[3]

Bolling received medical treatment for 14 gunshot wounds at the scene and at Long Beach Memorial Hospital.

On July 29, 2009, the Los Angeles County District Attorney's Office filed case number NA082770 against Bolling, alleging four felony counts, including two counts of assault on a peace officer with a semiautomatic firearm. Jury trial is set for March 1, 2010.

Statements of Deputies Frank Alvarado and Rick Cardoza

On July 26, 2009, LASD detectives interviewed separately Deputies Alvarado and Cardoza with their attorney present.

On July 25, 2009, they were in uniform assigned to the LASD's Operation Safe Street Bureau, Gang Enforcement Team. They saw Bolling standing on the curb looking toward a nearby LBPD traffic stop. When he saw the deputies' patrol vehicle, his eyes opened wide and his jaw dropped open. Bolling turned his back to the deputies and began to walk away with his hands in his waistband. When Alvarado asked Bolling to speak with him, Bolling immediately began to sprint through the parking lot and across Long Beach Boulevard. While chasing Bolling across Long Beach Boulevard, Alvarado and Cardoza were constantly giving Bolling commands to "stop running, stop running, show me your hands." Bolling kept his hands in front of his stomach as he hunched over and ran.

Bolling ran up the embankment located on the south side of the on ramp to the westbound 91 Freeway. When he was about half way up the embankment and about 10 to 15 yards from the

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[1] Deputy [redacted] the observer, was locked in the rear seat of the patrol vehicle.

[2] Deputies Alvarado and Cardoza fired eight and seven rounds, respectively. Fifteen casings were recovered from the on ramp.

[3] The handgun was a .40 caliber Smith and Wesson, Sigma series, semiautomatic with an empty chamber and nine live rounds in the ten-round magazine. A live .40 caliber round matching other rounds in the magazine was recovered within two feet of the firearm. Forensic analysis identified the live round as having been cycled through the action of the Smith and Wesson firearm.

deputies, Bolling quickly turned his shoulders toward them with a handgun in his right hand. Fearing for their safety, the deputies fired at Bolling. Bolling turned away from the deputies and took about three more steps up the embankment. Bolling turned again with the gun now in his left hand and pointed it at Deputy Alvarado. The deputies fired more rounds at Bolling, who flailed his left hand upwards and released the gun as his arm was up in the air.

The deputies ordered Bolling to come down the embankment and to show them his hands. Bolling crawled on his stomach down the embankment. As Bolling was crawling down the embankment, he said, "I didn't have anything." Cardoza then kneed Bolling in the upper torso to cause Bolling to remove his hands from under his body. One of the LBPD officers from a nearby traffic stop assisted Cardoza in handcuffing Bolling, who said something to the effect of "I shouldn't have ran."

Statement of Rashad Kiwaun Bolling

On July 26, 2009, at about 5:05 p.m., at Long Beach Memorial Hospital, LASD detectives interviewed Bolling, who waived his *Miranda* rights.

While he was waiting for a bus, a police vehicle drove toward him. As the police "rolled up on him," he began to run because he was carrying a loaded .40 caliber Smith and Wesson in his waistband. Bolling ran up the on ramp to the 91 Freeway and then attempted to run up the embankment. When he was near the bottom of the embankment, he threw his gun further up the embankment. As Bolling was running up the embankment, he ignored the deputies' commands to stop. He did not want to get caught possessing the gun because he is an ex-con and did not want to go back to prison.[4]

As he threw the gun, the deputies shot at him but missed. He continued to attempt to run up the embankment, but the deputies fired again and struck him. Bolling then turned toward the deputies and said "Stop, stop, I don't have anything. You got me, I'm dead." The deputies continued to shoot him. Bolling denied ever pointing the gun at the deputies. Bolling did not fire the gun at the deputies, but believed that it was possible his handgun fired when it hit the ground after he threw it.

Witness Statements

Long Beach Police Department Officers [redacted] and [redacted]

On July 25, 2009, LASD detectives interviewed LBPD Officers [redacted] and [redacted]

They were on uniformed patrol conducting a traffic stop on Long Beach Boulevard, under the 91 Freeway overpass. The officers saw the two deputies chasing Bolling across Long Beach Boulevard and onto an on ramp of the 91 Freeway. They ended the traffic stop and, while

[4] On March 27, 2007, in case number NA073271, Bollings was [redacted]

running toward the on ramp to assist, heard gun shots. They were not in a position to see the shooting. Once they got to the on ramp, they saw Bolling rolling down the embankment. The deputies were standing on the on ramp facing Bolling who was six to seven feet up the embankment. Officer [redacted] ran up the on ramp and helped one of the deputies handcuff Bolling. Officer [redacted] found Bolling's handgun higher up the embankment from where they had first seen Bolling.

[redacted]

On July 27, 2009, LASD Detective Muse received a phone call from [redacted] Bolling's [redacted] who said that she was aware of a witness to her [redacted] confrontation with the deputies, later identified as [redacted] intended to talk to the witness and his [redacted] before providing his name. Ultimately, Detective Muse, [redacted] and [redacted] scheduled an interview of [redacted] on July 29, at Redondo Boulevard and Pacific Coast Highway in the City of Long Beach.[5]

At the time of the shooting, [redacted] was a passenger in his friend's car. Shortly after their car was stopped by LBPD officers, he saw Bolling run up the on ramp to the 91 Freeway with two uniformed deputies running after him. [redacted] could not see what happened, but heard about 10 gunshots. He did not see anything in Bolling's hands, despite seeing his arms moving back and forth as he ran. When he heard the first four or five gunshots, the LBPD officers appeared to be shocked and told them to get out of the area. About 20 seconds later, he heard four or five more gunshots. When his friend drove by the on ramp, he saw Bolling on the ground with a hole in his shirt. Bolling was sliding down the dirt hill on his stomach with one hand raised. The deputies had their guns pointed at him.

[redacted] **and** [redacted]

On July 30, 2009, Detective Muse received a phone call from [redacted] Bolling's [redacted] informing her that he had met with two women, [redacted] and [redacted] who said that they had seen the incident between the deputies and Bolling. Later that day, Detective Muse interviewed [redacted] and [redacted]

They were driving south on Long Beach Boulevard toward the 91 Freeway on ramp when Bolling ran in front of their car being chased by two uniformed officers. Bolling ran up the on ramp of the 91 Freeway and then onto the freeway embankment. When Bolling was about three quarters of the way up the embankment, he turned to face the officers, who started to taser him. Bolling fell about half way down the embankment, raised one of his hands and said, "No stop." The officers again began to taser Bolling, who rolled to the bottom of the embankment. One officer walked over to Bolling, kicked him in the face, and handcuffed him. They never saw anything in Bolling's hands.

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[5] [redacted] did not know Bolling or his [redacted] previously.

[redacted] got on the internet that night looking for any mention of the incident they had seen. [redacted] saw a blog from Bolling's [redacted] regarding a newspaper article. [redacted] responded to the blog and they agreed to meet in person on July 29. [redacted] wrote a statement regarding her observations of the incident and gave it to Bolling's [redacted] [redacted] thought Bolling had been tasered the whole time until his father told her he was actually shot. They did not know Bolling or his family before this incident.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. (*People v. Williams* (1977) 75 Cal.App.3d 731.)

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. (*California Criminal Jury Instructions* 3470.)

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. (*People v. Collins* (1961) 189 Cal. App.3d 575).

CONCLUSION

The evidence examined in this investigation shows that Rashad Bolling, who was armed with a loaded firearm, was attempting to flee from the deputies. Despite the numerous commands of Deputies Alvarado and Cardoza to stop, show his hands and drop the gun, Bolling failed to comply. Instead, once he reached the embankment, Bolling turned to face the deputies and pointed his firearm at them with his right hand. Fearing for their own and each other's lives, Deputies Alvarado and Cardoza fired multiple rounds at Bolling. Despite the first volley of gunshots and more commands from the deputies, Bolling moved further up the embankment, turned to face the deputies again and pointed his firearm at them now with his left hand. Again, the deputies had every reason to believe that Bolling intended to shoot them. Fearing for their lives, Deputies Alvarado and Cardoza fired more rounds at Bolling to defend themselves. Ultimately, Bolling was wounded and taken into custody.

In large part, the deputies' statements were corroborated by the other witnesses. The only significant discrepancy between the deputies' observations and those of the two witnesses percipient to the shooting ([redacted] and [redacted] was that those witnesses did not report seeing Bollings with a gun. That difference is likely due to the fact that, at all relevant times, the deputies were much closer to Bollings, giving them a much better opportunity to observe him than the witnesses who were in a car at the base of the on ramp about 80 yards from the shooting.

More significantly, Bollings himself admitted to running away because he was carrying a .40 caliber Smith and Wesson firearm and to taking it out in the deputies' presence to toss it away. The exact firearm was found in the area where the deputies saw Bollings discard it. The credible evidence leaves no doubt that Bollings drew his firearm on the deputies causing them to shoot him to protect their lives.

Given the rapidly evolving, life-threatening situation that confronted Deputies Alvarado and Cardoza, we conclude they acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

JASON P. LUSTIG
Deputy District Attorney
(213) 974-4631

c: Deputy Frank Alvarado #[redacted]
Deputy Rick Cardoza #[redacted]